

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1542-04
Bill No.: Truly Agreed To and Finally Passed CCS for HCS for SB 282
Subject: Elections; Secretary of State
Type: Original
Date: June 1, 2011

Bill Summary: This proposal modifies numerous laws relating to elections.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
General Revenue	\$0 or (Greater than \$7,000,000)	\$0 or (Greater than \$7,000,000)	\$0 or (Greater than \$7,000,000)
Total Estimated Net Effect on General Revenue Fund	\$0 or (Greater than \$7,000,000)	\$0 or (Greater than \$7,000,000)	\$0 or (Greater than \$7,000,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 12 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Local Government	Unknown greater than \$13,500 to (Unknown)	Unknown greater than \$6,000 to (Unknown)	Unknown greater than \$6,000 to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Sections 26.016, 27.015, 28.190, 29.280, 30.060, 30.080, 105.030, 105.040, 105.050 Statewide Office Holder Vacancies

Officials at the **Office of the Governor** assume no impact as long as there are no statewide elected official vacancies.

Officials at the **Missouri Senate, Office of the State Auditor** and the **Office of the State Treasurer** assume that there is no fiscal impact from this proposal.

Officials at the **Office of the Secretary of State (SOS)** assume that if a special election is called for this purpose rather than being voted on at a general election, the cost of the special election has been estimated to be \$7 million based on the cost of the previous Presidential Primary and a cost determined by Legislative Oversight.

Oversight has reflected in this fiscal note, the state potentially reimbursing local political subdivisions the cost of having a statewide election voted on during a special election in each fiscal year. This reflects the decision made by the Joint Committee on Legislative Research, that the cost of the elections should be shown in the fiscal note. Therefore, Oversight will reflect a potential election cost reimbursement to local political subdivisions in each of the fiscal years. To estimate the expense the state would incur for reimbursing local political subdivisions for a special election, Oversight requested expense estimates from all election authorities for an election. Eighty-six out of the one hundred fifteen election authorities responded to Oversight's request. From these respondents; the total election expense that would have to be reimbursed by the state government is over \$7 million. Therefore, **Oversight** will reflect a potential cost borne by the state in each fiscal year of over \$7 million for reimbursement to the local political subdivisions.

Section 52.010, 54.033 & 54.330 Collector/Treasurer Candidates

Oversight assumes this proposal outlines qualifications to be a candidate and therefore would have no fiscal impact on state or local election authority funds.

ASSUMPTION (continued)

Section 78.090 Third Class Cities can eliminate primary elections

In response to similar legislation filed this year, HB 171, the following responded:

Officials from the **Office of Secretary of State** assume that there is no fiscal impact from this proposal.

Officials from the **City of West Plains** assume a savings of up to \$6,000 per election not required. Each year one of the council positions is up for election. The next mayoral election is FY 2012.

Officials from the **City of Monett** state the cost of holding a primary election in February, 2012, would be approximately \$7,500. If the Monett City Commission passed an ordinance to eliminate this primary, assuming that the legislation were to be approved, the savings would be \$7,500.

Oversight assumes that the only cities effected by this legislation are the City of West Plains and the City of Monett.

Section 115.015 Designation of Election Authority

Officials from the **Office of Secretary of State** assume that there is no fiscal impact from this proposal.

Oversight assumes this proposal is permissive in nature. Therefore, Oversight will not reflect a direct fiscal impact as a result of this proposal.

Section 115.123 Primary Election Date

Officials at the **Office of the Secretary of State** assume that there is no fiscal impact from this proposal.

Oversight assumes that changing the date of an election would not affect the cost of the election. Oversight assumes no impact from this proposal.

Section 115.124 Elections Not Held due to the number of opens seats matching the number of candidates

In response to similar legislation filed this year, HB 94, the following responded:

Officials at the **Office of the Secretary of State** and the **St. Louis County Board of Election**

ASSUMPTION (continued)

Commission assume that there is no fiscal impact from this proposal.

Officials at the **Platte County Board of Election Commission** assume if costs of publication outlined in 115.124.1 are not passed onto the municipality, then the cost would be borne by the Board of Election Commission. Cost for the publication would depend on the number of municipalities that would fall into this category at each election. Publication costs currently range from \$200 to \$650 dependent upon the length of the notice.

No other Local Election Authority responded to **Oversight's** request for fiscal impact. Oversight assumes that any elections not held would be a savings to the Local Election Authorities. **Oversight** has shown an Unknown savings to Local Election Authorities.

Section 115.127 Filing Dates of Elections

Oversight assumes no impact to the state or local election authorities from this proposal.

Section 115.293 Death of Absentee Voter

Oversight assume this proposal does not have an impact on state or local funds.

Section 115.342 Candidate Bonding Requirements

Oversight assumes this proposal has no impact on state or local election authority funds.

Section 115.601 Recount

Oversight assumes this proposal has no impact on state or local election authority funds.

Section 115.637 Special Elections

Oversight assumes this proposal has no impact on state or local election authority funds.

Section 115.761 Fee for President and Vice President Candidates

Oversight assumes this proposal has no impact on state or local election authority funds.

Section 190.056 Ambulance District Recall Elections

In response to similar legislation filed this year, HB 521, the following responded:

Officials from the **Office of Secretary of State** and **Buchanan County** assume that there is no fiscal impact from this proposal.

Officials from the **Platte County Board of Elections** state the costs related to a recall election

ASSUMPTION (continued)

would be borne by the Ambulance District in question and not directly by the Board of Elections/County Clerk conducting the election or verifying the petitions.

Officials from the **St. Charles County Ambulance District** state the District could incur election expenses on any given year from \$30,000 to \$60,000 dependent on the number of issues on the ballot at the time.

Oversight assumes this proposal could have fiscal impact to ambulance districts if one would have a board member recalled and an election were held to replace the member recalled. The amount of costs would be unknown and would depend upon the size of the district, how many other political subdivisions are holding an election at the same time and other variables.

Oversight will show fiscal impact to ambulance districts as \$0 to unknown costs for an election.

Section 115.241 Removing Party Emblems from Ballot

Officials at the **Office of the Secretary of State** assume that there is no fiscal impact from this proposal.

Oversight assumes that any realized savings from not printing the emblems on the ballot is minimal and therefore Oversight is showing no impact.

Bill as A Whole

Officials at the following board of election commissions: Kansas City Board of Election Commission, St. Louis City Board of Election Commission, Clay County Board of Election Commission, Jackson County Board of Election Commission, Platte County Board of Election Commission and St. Louis County Board of Election Commission did not respond to **Oversight's** request for fiscal impact.

Officials at the following counties: Andrew, Barry, Bates, Boone, Buchanan, Butler, Callaway, Camden, Cape Girardeau, Carroll, Cass, Clay, Cole, Cooper, DeKalb, Franklin, Greene, Hickory, Holt, Jackson, Jasper, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lincoln, Marion, Miller, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Pemiscot, Perry, Phelps, Platte, Pulaski, Scott, St. Charles, St. Louis, St. Francois, Taney, Texas, Warren, and Webster did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
GENERAL REVENUE			
<u>Transfer Out</u> - reimbursement of local political subdivisions for special election costs	<u>\$0 or (Greater than \$7,000,000)</u>	<u>\$0 or (Greater than \$7,000,000)</u>	<u>\$0 or (Greater than \$7,000,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>\$0 or (Greater than \$7,000,000)</u>	<u>\$0 or (Greater than \$7,000,000)</u>	<u>\$0 or (Greater than \$7,000,000)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
LOCAL ELECTION AUTHORITY FUNDS			
<u>Savings</u> - Local Election Authority Election costs saved (78.090)	\$0 to \$13,500	\$0 to \$6,000	\$0 to \$6,000
<u>Savings</u> - Local Election Authority from elections not held (115.1240)	Unknown	Unknown	Unknown
<u>Transfer In</u> - cost reimbursement from the State for the special elections	\$0 or Greater than \$7,000,000	\$0 or Greater than \$7,000,000	\$0 or Greater than \$7,000,000
<u>Costs</u> - cost of special elections	<u>\$0 or (Greater than \$7,000,000)</u>	<u>\$0 or (Greater than \$7,000,000)</u>	<u>\$0 or (Greater than \$7,000,000)</u>
ESTIMATED NET EFFECT ON LOCAL ELECTION AUTHORITY FUNDS	<u>Unknown greater than \$13,500</u>	<u>Unknown greater than \$6,000</u>	<u>Unknown greater than \$6,000</u>

AMBULANCE DISTRICT FUNDS

<u>Cost</u> - cost of recall election	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
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ESTIMATED NET EFFECT ON AMBULANCE DISTRICT FUNDS

<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act modifies numerous laws relating to elections.

PUBLIC OFFICE VACANCIES (Sections 26.016, 27.015, 28.190, 29.280, 30.060, 30.080, 105.030, 105.040, 105.050) - Currently, the Governor has statutory authority to fill vacancies until successors are elected for the office of United States Senator; various state and county offices filled by election; circuit attorney, prosecuting attorney, and assistant prosecuting attorney offices; and all statewide offices excluding Lieutenant Governor. This act requires the Governor to fill all vacated statewide offices and the office of United States Senator by special election for the remainder of each respective term.

In the case of vacancies for Lieutenant Governor, Secretary of State, and Treasurer, the Governor shall take charge of the vacated office and superintend business until the successor is elected by special election. In the case of a vacancy in the office of Auditor and Attorney General, the Governor shall appoint an acting Auditor and Attorney General who shall take charge of the vacated office and superintend business until the successor is elected by special election.

If the Lieutenant Governor, Attorney General, Auditor, or Treasurer are impeached, such individuals shall be suspended until the impeachment is determined. If convicted, the Governor shall fill the vacancy by special election. Currently, in the case of the impeachment of the Secretary of State, the office shall be filled by appointment until impeachment is determined. If convicted, the Governor shall then fill the vacancy by special election.

LOCAL GOVERNMENT OFFICE REQUIREMENTS AND ELECTIONS - County collectors are required to be 21 years old, a resident of the county in which he or she is a candidate for at least one year prior to the election and remain a resident of the county in which he or she is

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FISCAL DESCRIPTION (continued)

elected throughout his or her term of office. Candidates for such office are required to present the election authority with a signed affidavit from a surety company indicating that the candidate meets the statutory bond requirements for the office. (Section 52.010)

Currently, the county commission is required to appoint an interim treasurer in the event of a vacancy of the office except in counties with a charter form of government. This act creates the same exception for counties having a township form of government for the office of collector-treasurer. (Section 54.033)

County collector-treasurers are required to be 21 years old, registered voters, current in the payment of all state income and personal and real property taxes, a resident of the county in which he or she is a candidate for at least one year prior to the election and remain a resident of the county in which he or she is elected throughout his or her term of office. Candidates for such office are required to present the election authority with a signed affidavit from a surety company indicating that the candidate meets the statutory bond requirements for the office. Collector-treasurers shall have the sole authority to appoint deputies. (Section 54.330)

Third class cities are allowed to eliminate primary elections for mayor and councilmen offices. (Section 78.090)

Under current law, the county clerk or the board of election commissioners is the election authority. This act designates the director of elections as the election authority in charter counties that do not have a board of election commissioners or a county clerk with the powers and duties subject to any limitations set forth in the county's charter. (Section 115.015)

Currently, elections are not required to be held in nonpartisan elections in political subdivisions and special districts when the number of candidates equals the number of positions to be filled except in municipal elections. This act modifies that exception to only include municipal elections in cities, towns, or villages with more than 35,000 inhabitants. Election authorities are required to publish notice including the names of officials to be seated by April 1 of each year in at least one newspaper of general circulation in the political subdivision or district when those elections are not held. (Section 115.124)

The filing period for offices filled by elections on the general municipal election day shall be between the first Tuesday in December of the year prior to the election and the first Tuesday after the first Monday in January of the election year. Elections in counties with a charter form of government, except Jefferson county, are excluded from this provision. (Section 115.127)

FISCAL DESCRIPTION (continued)

ELECTION AND PRIMARY DATES - The date of the presidential primary is moved from the first Tuesday after the first Monday in February to the first Tuesday after the first Monday in March. (Sections 115.123, 115.755)

The first Tuesday after the first Monday in June is no longer available as a date for public elections. (Section 115.123)

ABSENTEE VOTERS - This act removes a provision that requires ballots of deceased absentee voters to be rejected when sufficient evidence is shown to the election authority that the voter has died prior to the opening of the polls on election day. (Section 115.293)

BONDING REQUIREMENTS FOR CANDIDATES - Candidates for public office (with the exception of those in special districts, townships, cities, towns, or villages) are required to declare under penalty of perjury that they are not aware of any information that would prohibit the candidate from fulfilling any bonding requirements. Such individuals filing for an election with a bonding requirement shall file an affidavit from a surety company indicating that the candidate meets the bonding requirements for the office with the department of revenue. (Section 115.342)

RECOUNT - Currently, candidates who are defeated by less than 1% and persons whose position on a question was defeated by less than 1% have the right to a recount. This act reduces those thresholds to less than ½ of 1%. (Section 115.601)

ELECTION OFFENSES - Discouraging, hampering, pressuring, or attempting to prevent another from filing for public office for the purpose of eliminating the requirement to hold special elections in certain instances is established as a class 4 election offense. (Section 115.637)

AMBULANCE DISTRICT BOARD RECALLS (190.056) - Each member of an ambulance district board of directors shall be subject to recall from office by the registered voters of the election district from which he or she was elected. Proceedings for the recall are commenced by the filing of a notice of intention to circulate a recall petition.

The notice must be served personally, or by certified mail, on the board member and filed with the election authority. A separate notice is needed for each member sought to be recalled and must contain information explaining the reason for the recall. It must list at least one but not more than five proponents of the recall.

Within seven days, the board member may file a statement answering the statement of the

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FISCAL DESCRIPTION (continued)

proponents. The answer must be served on at least one proponent. The statement and answer are for the voters' informational purposes only.

A member cannot be recalled if he or she: 1) has not held office during the current term for more than 180 days; 2) has 180 days or less remaining on his or her current term; or 3) has had a recall election determined in his or her favor within the current term.

The person circulating the petition must sign an affidavit verifying certain information. A recall petition must be filed with the election authority not more than 180 days after the filing of the notice of intention. The number of signatures needed shall equal at least 25% of the number of voters who voted in the most recent gubernatorial election in the election district.

The election authority has twenty days from the date of filing the petition to determine if enough voters signed the petition. It must file a certificate showing whether there are enough signatures. If the election authority certifies the petition does not have enough signatures, it may be supplemented within ten days of the date of certificate. The election authority must then certify the supplemented petition. If it is insufficient, no further action shall be taken.

If the petition is sufficient, the election authority shall submit its certificate to the board of directors and order an election within a certain amount of time. Nominations for board membership openings shall be made by filing a statement of candidacy with the election authority.

Any time prior to forty-two days before the election, the member sought to be recalled may offer his or her resignation and the recall question shall be removed from the ballot and the office declared vacant.

BALLOT REQUIREMENTS - Party emblems shall not longer be printed on the ballot above the party caption. (Section 115.241)

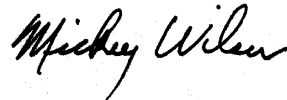
PRESIDENTIAL CANDIDATE REQUIREMENTS - Raises the payment a potential presidential candidate shall pay the state committee for the party on whose ballot the candidate wishes to appear from \$1,000 to \$5,000 for elections held on or before December 1, 2012 and \$10,000 for any election thereafter. (115.761)

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Missouri Senate
Office of the Governor
Office of the State Auditor
Office of the Secretary of State
Office of the State Treasurer

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
June 1, 2011